

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE

## I. Background

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before the undersigned United States Magistrate Judge on October 9, 2019. The defendant appeared in person and with appointed counsel Jonathan Truesdale,. The United States of America appeared by Assistant United States Attorney Trey Alford and Sean Foley.

The following matters were discussed and action taken during the pretrial conference:

## II. Trial Counsel

Mr. Alford announced that he and Mr. Foley will be the trial counsel for the Government.

The case agent to be seated at counsel table is Detective Frank Rorabaugh.

Mr. Truesdale announced that he will be the trial counsel for the defendant.

### III. Outstanding Motions

The Motion in Limine filed by the government on October 4, 2019 (Doc. 63) remains pending for ruling by the district judge as well as the Rule 404(b) Notice.

Defense counsel may be filing additional motions in limine.

#### **IV. Trial Witnesses**

Mr. Alford announced that the Government intends to call twenty to thirty-one (20 – 31) witnesses during the trial of this case.

Mr. Truesdale announced that the defendant intends to call two (2) witnesses during the trial of this case. The defendant may testify.

#### **V. Trial Exhibits**

Mr. Alford announced that the Government will offer approximately one hundred (100) exhibits in evidence during the trial of this case.

Mr. Truesdale announced that the defendant will offer approximately five (5) exhibits in evidence during the trial of this case.

#### **VI. Defenses**

Mr. Truesdale announced that the defendant will rely on the defenses of general denial and justification.

#### **VII. Possible Disposition**

Mr. Truesdale stated this case is definitely for trial.

#### **VIII. Trial Time**

Counsel were in agreement that this case will take four (4) days to try.

#### **IX. Stipulations**

Possible stipulations regarding prior felony convictions, chain of custody, interstate nexus of the firearm and potentially the nature of the injuries sustained by the defendant.

**X. Exhibit List,  
Voir Dire, and Instructions**

The United States Magistrate Judge ordered:

1. That, in addition to the requirements of the Scheduling Order, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before Noon, Wednesday, October 23, 2019;
2. That counsel for each party file and serve requested jury voir dire examination questions, in the format of individually numbered questions, by or before Noon, Wednesday, October 23, 2019; and
3. That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before Noon, Wednesday, October 23, 2019. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, computer disk in a form compatible with Word 2010.

**XI. Unusual Questions of Law**

Counsel announced that they had no knowledge of any unusual questions of law that may arise during the trial of this case, except the justification defense, which the parties will ask the Court to consider at the pretrial conference. **An interpreter is not needed.**

**XII. Trial Setting**

Counsel for both parties and the defendant were informed that this case will be listed for trial which commences on October 28, 2019.

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/s/ John T. Maughmer  
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JOHN T. MAUGHMER  
United States Magistrate Judge

Kansas City, Missouri

cc: The Honorable D. Gregory Kays

Mr. Trey Alford

Mr. Jonathan Truesdale

Mr. Gary Broyles